CORRES CONTROL

5388 RF 93

ZZQQHF []

DUE DATE

**ACTION** DIST. LTR ENC BENEDETTI R L BENJAMIN A BERMAN, H S CARNIVAL, G J COPP, R D CORDOVA R C DAVIS J G FERRERA, DW FRANZ, W A HANNI BJ HEALY TJ HEDAHL T G HILBIG J.G HUTCHINS N M KIRBY WA KUESTER AW MAHAFFEY JW MANN RP MARX GE McKENNA F G MORGAN RV PIZZUTO V M POTTER G L SANDLIN N B SATTERWHITE DG SCHUBERT AL

SETLOCK GH

SULLIVAN MT SWANSON ER WILKINSON RB

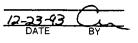
WILSON J M

Bush

Primos

CORRES CONTROL X X PATS/T130G ADMN RECORD/080 2

Reviewed for Addressee Corres Control RFP



Ref Ltr #

DOE ORDER # 5400.1

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Department of Energy

emorandum<sup>ne 23</sup>

**Rocky Flats Office** 

DEC 1 6 1993

States Government

PCCN FELATS FLY T CO

**ERD SRG 12127** 

Supplemental Information Concerning Notice of Violation for Operable Unit No 2, Notification as Per September 16, 1993, Secretarial Guidance

Associate Deputy Secretary for Field Management, FM-1, HQ General Counsel, GC-1, HQ

Assistant Secretary for Environmental Restoration and Waste Management, EM-1, HQ Assistant Secretary for Environment, Safety and Health, EH-1, HQ

This memorandum contains supplemental information to our September 13, 1993, (ERD HR 10795) (attachment 1) and September 27, 1993, (ERD SRG 11140) (attachment 2) correspondence This supplemental information is being provided in accordance with the September 16 and August 18, 1993, memoranda from the Secretary "Guidance on Management Procedures for Addressing Responsibility for Violations of Environmental Requirements and Related Fines and Penalties"

Our September 13 correspondence was in response to the direction to provide information within 24 hours of a Notice of Violation (NOV) and our September 27 correspondence was in response to the direction to provide information within 10 days of the NOV A copy of the 24-hour and 10-day responses are included (copy in attachment 2) This memorandum provides supplemental information concerning the disposition of the NOV and resolution of dispute under the Rocky Flats Environmental Restoration InterAgency Agreement (IAG)

The Notice of Violation was received September 10, 1993, from U S Environmental Protection Agency (EPA) and the Colorado Department of Health (CDH) for missing a milestone under the IAG (copy in attachment 1) The missed milestone is for the Final RCRA Facilities Investigation/Remedial Investigation (RFI/RI) Report for Operable Unit No 2 (903 Pad, Mound, and East Trenches)

In consultation with EM-40, we agreed to dispute the NOV through the Dispute Resolution process laid out in the IAG. This dispute was resolved at the informal level on October 14, 1993. A copy of the Resolution of Dispute (attachment 3) is attached.

To resolve the dispute, DOE agreed that it was in violation of the IAG for the missed Final RFI/RI Report submittal milestone for the period August 9, 1993, through

August 12, 1993, (when the clock was stopped retroactively to June 21, 1993) in accordance with EPA/CDH letter of August 12, 1993, which stopped the clock for milestones for Operable Units 1 - through 7 to obtain resolution on the appropriate Risk Assessment Methodology (attachment 4) Furthermore, EPA agreed not to assess stipulated penalties for the period August 9 - 12, 1993

> Mark N Silverman Manager

## Attachments

- 1 September 13, 1993 Memo
- 2 September 27, 1993 Memo
- 3 Resolution of Dispute
- 4 EPA/CDH Letter

## cc w/Attachments

A Rampertaap, EM-453

R Schassburger, ERD, RFO M Roy, OCC, RFO

H Rose, ERD, RFO

S Grace, ERD, RFO

N Hutchins, EG&G

W Busby, EG&G

A Primrose, EG&G